



Place of Assembly

A Guide to the
New York City Place of Assembly Process



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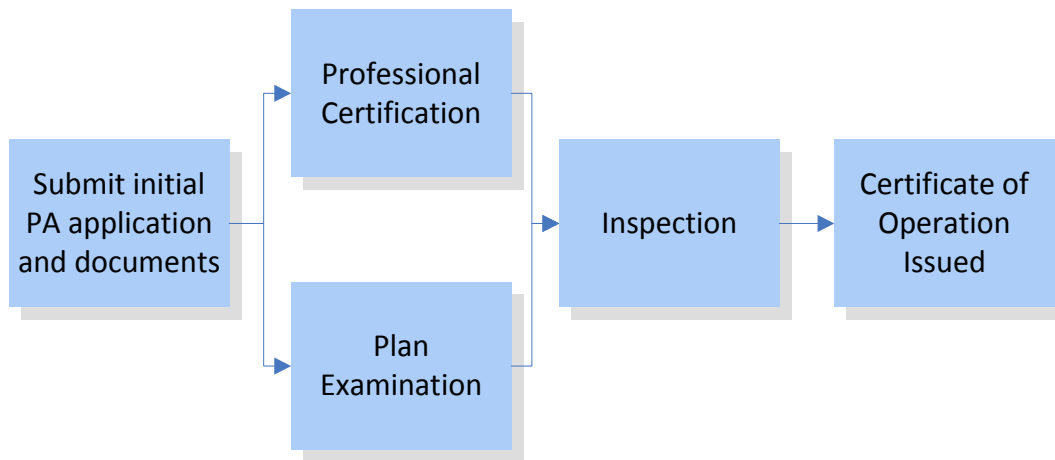
1. Background

This guide is intended to give establishment owners and design professionals helpful information about the Place of Assembly issuance process, point out common mistakes to avoid, and provide a sense of the time required to complete the process.

As a matter of public safety, New York City requires a Place of Assembly (PA) Certificate of Operation for all premises where the Certificate of Occupancy indicates that 75 or more members of the public may gather indoors or 200 or more may gather outdoors for religious, recreational, educational, political or social purposes, to consume food or drink, await transportation, or any similar group activities. When such groups gather, it is necessary to ensure that the space is safe and issues, such as proper egress and emergency lighting, are appropriately addressed.

Both the Department of Buildings (DOB) and the Fire Department (FDNY) oversee the regulation of PA spaces. DOB enforces adherence to the Construction Codes and conducts all reviews and inspections for the issuance of a PA Certificate of Operation. FDNY is responsible for all reviews and inspections for annual PA Permits to ensure compliance with the Fire Code.

2. Initial Place of Assembly Certificate of Operation



A. Filing a Place of Assembly Application

When should I apply?

If the proposed plans for your New Building (NB) or Alteration 1 (ALT1) will result in a Certificate of Occupancy requiring a PA Certificate of Operation, you must submit the application for a PA Certificate of Operation to DOB once the NB/ALT1 application has been filed and an associated DOB job number has been issued.

- 1) An NB is defined as a new structure created on an existing lot.
- 2) An ALT1 is an alteration in which the use or occupancy of an existing property changes. Examples of ALT1 filings include, but are not limited to:
 - Changes to the establishment's use or occupancy (number of people allowed in the space)
 - Changes to the building's egress (the way people leave the building)

Did You Know?

If you are filing for your PA during the NB or ALT1 process, your NB or ALT1 construction inspection (the inspection that occurs once the structure is built or the work is completed) and PA inspection may be conducted simultaneously. If you apply for a PA Certificate of Operation after your NB or ALT1 construction inspection has been completed, a separate PA inspection will be conducted.

What information and documents must be submitted with a PA Certificate of Operation application?

A completed PA Certificate of Operation application includes the following:

- 1) PA1 Form: This form is the main component of the PA Certificate of Operation application and will ask for certain information, including the legal name of the establishment and a related DOB NB/Alt1 job number. The PA1 form must be completed and signed by a Professional Engineer or Registered Architect (PE/RA) and the owner of the business.
- 2) Proposed Plans (Establishment Layout): The plans should include primary plans (the layout that will be used most frequently) and may include up to two alternate plans. If you wish to include more than two alternate plans, you must file an A11 Form in addition to the PA1 Form. All plans must use the 2008 Construction Codes occupancy designations.
- 3) Filing Fee Receipt: Applicants must pay the non-refundable PA fee of \$235 (\$200 filing fee plus \$35 processing fee) to the DOB cashier in order to obtain a receipt. Cash, check, money order and credit card are accepted.
- 4) Copy of CO/TCO: A Certificate of Occupancy (CO) or Temporary Certificate of Occupancy (TCO) documents the legal use and/or occupancy of a building. DOB will not issue a PA Certificate of Operation without a valid CO or TCO, which can be printed from BISWeb (www.nyc.gov/bis). If you are submitting the PA Certificate of Operation application with an NB application, you can provide a copy of the CO/TCO once it is issued.
- 5) POC1 Form (if Professionally Certified): This form is signed by both the PE/RA and the owner and certifies that the PE/RA has submitted plans that are in compliance with all applicable laws, including Construction Codes. While the PE/RA *and* the owner are responsible for compliance, the PE/RA may be subject to legal and disciplinary action if an audit reveals non-compliance. See page 6 for more information about professional certification.

Where do I submit the application?

Submit the completed PA application in person at the DOB Borough Office in the borough in which the establishment is located. Office locations and contact information can be found on page 21.

Did You Know?

As long as a PE/RA *completes* the PA1, anyone can *submit* the PA Certificate of Operation application, including the owner, filing representative, or other owner's representative.

How will I know if the application is complete?

When you submit your application at the borough office, DOB staff will review it for completeness and assign a job number. If there is any information or documentation missing, the staff will provide you with an AO1 (Administrative Objection) form, which explains what is missing. After you obtain the missing documentation, you can resubmit the application at no additional cost. There is no deadline for resubmission, but your application cannot be processed until you resubmit.

Did You Know?

The Department of Building's Buildings Information System (BIS) can provide you with real-time access to DOBs data and information, including:

- Complaints
- Inspections
- Application processing
- Accounting information
- Periodic safety reports
- Equipment tracking
- Trade licensing and contractor tracking

Access BIS [here](#).

B. Plan Examination

All PA plans must be approved by DOB. If you submit your application as Professionally Certified, your plans are accepted right away. However, if your application was not Professionally Certified, your plans will be reviewed by a DOB Plan Examiner.

What is Professional Certification? What does it mean to submit an application that way?

DOB offers a Professional Certification Program that enables a PE/RA to certify that the plans they file with DOB are in compliance with all applicable laws. This saves time in the application process by eliminating the need for DOB plan examination. An application that is professionally certified goes through the same filing, payment and data entry process. However, if all required documents are submitted, the application will be accepted. Twenty percent of all professionally certified applications are selected for audit within ten days of first PA Certificate of Operation issuance. If objections are raised during the audit, the applicant is responsible for resolving the objections by submitting a Post Approval Amendment.

What happens in Plan Exam?

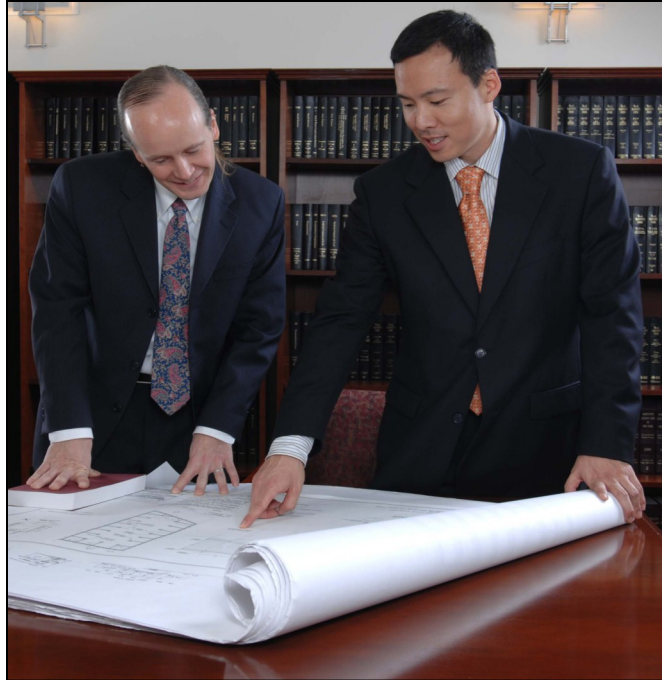
The DOB plan examiner will check that your plans are in compliance with the Construction Codes and the Zoning Resolution. If the Plan Examiner finds that the plans do not conform to the law, then he/she will provide technical objections.

How long does the initial Plan Exam take?

The amount of time between submission of plans and first review varies. Typically it takes between one and twelve business days.

How will I know the results of the Plan Exam?

By entering the application number into BISWeb, you can look up the status of the application to see if the plans were approved or disapproved. If they were disapproved, DOB will mail a copy of the objections to the applicant of record (the name and address on the PA1 application), and email a copy if an email address was provided.



Credit: Andreanna Seymore

How do I clarify or resolve objections?

To clarify or resolve objections, call 311 to schedule an appointment. It will take approximately one to ten business days from the time an appointment request is made to meet with a plan examiner. Once all objections have been resolved, the application is approved.

Did You Know?

The Most Common Objections for Plan Exam:

- The individual space, floor, or building does not provide the necessary egress to support the place of assembly (PA) activity.
- The building's Certificate of Occupancy does not reflect the correct use.
- The travel distance between PA space and fire-rated safe area, such as a stairwell or outside, does not meet minimum Construction Codes requirements.
- The separation between kitchen and PA space is not fire-rated according to Construction Codes requirements (only applicable for kitchens where cooking will occur).

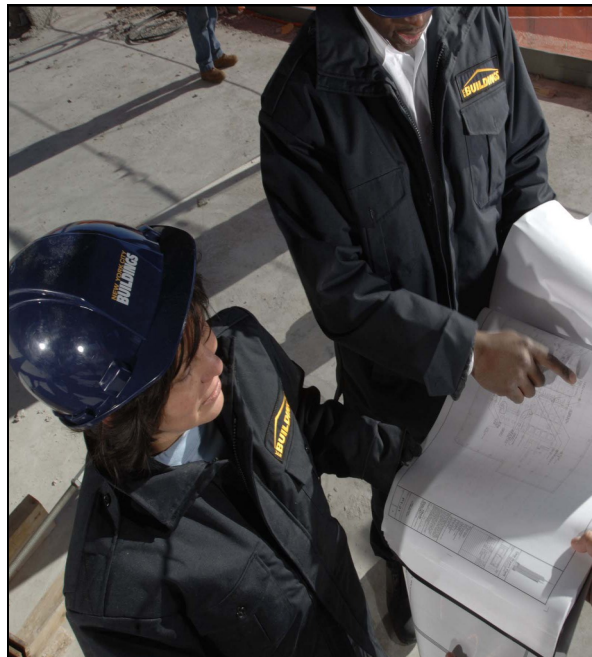
C. Inspection

When should I schedule the Place of Assembly inspection?

Once your plans are approved and construction is completed, you can call the DOB Construction unit in your borough office to schedule an inspection. See page 21 for contact information.

Who must be present at the inspection?

Someone representing the establishment must be on site during the inspection to provide access and ensure required documents are on site. This should be the owner or the owner's representative, such as an employee, the PE/RA, or filing representative.



Credit: Andreanna Seymore

What is the inspector looking for during the inspection?

The DOB inspector will be looking for general compliance with the Construction Codes, including adequate egress, lighting, and exit signs. In addition, the following items must always be kept on site:

- 1) Complete Set of DOB-approved PA Plans (Primary and Alternate Plans, if applicable) – The actual layout of the PA space, including tables, chairs, etc., must match the DOB-approved plans. During the inspection for the initial PA Certificate of Operation, the DOB inspector will also check for a Construction Permit.
- 2) Flame Spread Letter – A flame spread letter is a letter from the manufacturer of certain products describing the flammability of the product. Products that require a flame spread letter include, but are not limited to, carpeting, window treatments, wallpaper, foam, and upholstery. The PE/RA should be familiar with most of the materials used at the site, and will inform the applicant which letters are required and how to obtain them.
- 3) Emergency Lighting Letter or the TR1 Form:
 - An Emergency Lighting Letter (or Electrical Letter) is submitted by the licensed electrician on record and certifies that he/she completed work; OR
 - The TR1 form is submitted by a special inspector, hired by the owner, prior to the PA inspection to certify that the electrical work in the site is compliant. A special inspector is someone that works for a DOB-registered special inspection agency to perform tests or inspections of materials, equipment, construction-related activities, and periodic maintenance.
- 4) Maximum Occupancy Sign – A sign indicating the number of people that may legally occupy the space, as determined by the Certificate of Occupancy, must be created and posted. It should read:
“OCCUPANCY BY MORE THAN _____ PERSONS IS DANGEROUS AND UNLAWFUL Certificate of Operation No _____ Commissioner, (where applicable) Dept. of Buildings, City of New York”

How will I know if the establishment passed or failed the initial inspection?

At the time of the inspection, the inspector will inform the owner or owner's representative whether the establishment passed or failed. A copy of the results will be mailed to the owner of record at the address noted on the PA1 form. If an email address has been provided, the results will be emailed as well.

Did You Know?***The Most Common Reasons for Failing PA Inspection:***

- Exit signs are not in the correct area (they do not comply with Construction Codes or do not match approved plans).
- Failure to post occupancy sign indicating the maximum number of people allowed in the space.
- Failure to produce Emergency Lighting Letter or TR1 Form.
- Improper locking devices on doors (they do not comply with Construction Codes or do not match approved plans).

The establishment failed inspection. What do I do?


- **Missing Documentation:** Items such as the approved plans, flame spread letter, or TR1, are missing from the site.
Resolution: Submitting the missing documentation to the DOB Borough Office Construction unit.
- **Plan Deviation:** The physical layout of the establishment does not match the approved plans.
Resolution: Modify the actual layout to match the plans or resubmit revised plans for approval through a Post Approval Amendment filing with DOB. Note that resubmitted plans must go through the same plan exam and inspection processes as the initial PA plans.
- **Construction Codes Violations:** Construction Codes violations are issued during the inspection.
Resolution: Owners are required to correct all Construction Codes violations. For those violations resulting from professional certification, the applicant must resolve the objections before the PA will be issued.



D. Issuance**Once I pass inspection, how do I get the PA Certificate of Operation?**

Approximately three to five business days after a passed inspection you may contact the DOB Construction Unit to determine whether the results are ready to be picked up. You will need to pick up the job folder from the DOB Record Room and bring it, along with the inspection results, to DOB Application Processing.

DOB staff will review your application one last time to ensure that the number of people allowed is consistent across the PA plans and the TCO/CO. If everything is in order, the staff will process your application and print your PA which must be framed and posted in a location that is visible to people entering the establishment. The PA is also available on [BISWeb](#) to download and print.

	
PLACE OF ASSEMBLY CERTIFICATE OF OPERATION	
Certificate Number: Premises Address: Issued On:	Borough: Block/Lot: BIN: Related NB/A1 Job No:
Name of Establishment:	
Floors: Occupancy Classification and Description:	Number of Persons
<small>This certificate authorizes occupancy of the premises as a place of assembly for one year after its issuance, and thereafter, only for periods of time during which there is in effect a New York City Fire Department place of assembly permit, unless suspended, revoked, or superseded. This certificate is subject to the strict observance of the laws, rules and regulations enacted for the protection of the public in such places of assembly. Approved seating plans must be kept on premises at all times.</small>	
Borough Commissioner:	Commissioner:
MUST BE POSTED CONSPICUOUSLY AT ALL TIMES	

OP-111 (4/13)

PA Certificate of Operation

Did You Know?

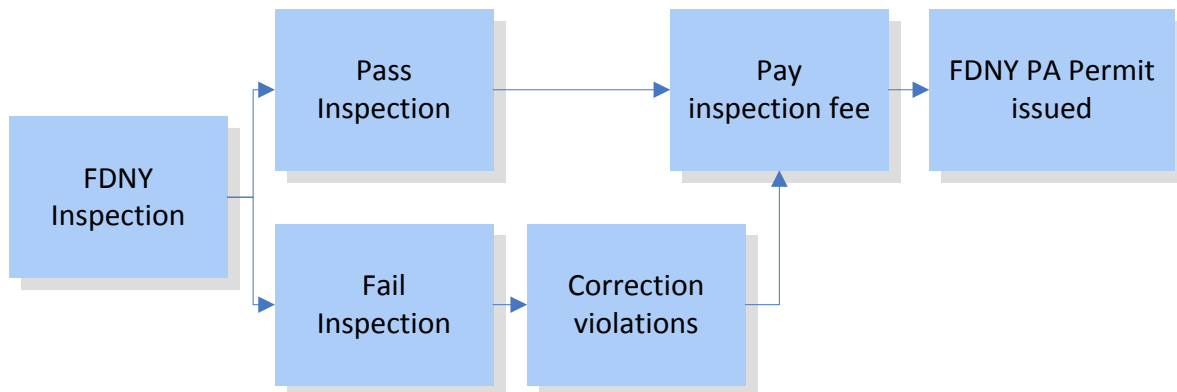
If the establishment has outstanding DOB objections or no TCO/CO, DOB will not issue a PA Certificate of Operation.

Does my PA Certificate of Operation Expire?

No. Your PA Certificate of Operation does not expire. Within one year after the issue date, FDNY will inspect your establishment and provide you with a Place of Assembly Permit based on the results of that inspection. More information about the FDNY inspection and PA Permit can be found on page 15.

There may be circumstances under which you would need a new or amended PA Certificate of Operation. For more information, see page 22.

3. FDNY Place of Assembly Permit



A. Annual Inspection

Why do I need an Annual PA Permit?

To ensure continued public health and safety, an establishment must receive an annual PA Permit from FDNY. This requires an inspection of the premises by FDNY.

A PA Permit requires an inspection by FDNY. You do not need to do anything to initiate the process of receiving your annual PA Permit; FDNY will automatically come to your establishment for the annual PA inspection.

Did You Know?

FDNY performs many different types of building inspections throughout the year. PA inspections are performed annually by FDNY's Licensed Place of Public Assembly unit, within the Bureau of Fire Prevention. In addition, FDNY performs several other types of inspections, including those performed by the District Offices and Local Fire Companies.

When will my annual PA inspection occur?

After your establishment obtains the PA Certificate of Operation, an FDNY Place of Assembly Inspector will visit the site within a few months for the first annual inspection. This annual inspection may occur even though it has not been a year since you received your PA Certificate of Operation.

After your first annual inspection, your establishment will be placed in an inspection district. Each subsequent annual PA inspection will occur during a designated month each year, based on that inspection district.

For example:

- Restaurant XYZ obtains its PA Certificate of Operation in April 2013.
- The FDNY Place of Assembly Inspector performs the first annual PA inspection in August 2013, giving the restaurant a pro-rated bill for the annual PA inspection.
- Restaurant XYZ is in a district where the FDNY PA Permits for all PA establishments expire in January, so Restaurant XYZ's annual FDNY PA inspections would then occur each year during October, November or December (within three months before the expiration in January). Thus, Restaurant XYZ's second annual FDNY PA inspection will occur in October, November or December 2013.

Your establishment may also be subject to random inspections for quality assurance purposes, or as a result of a complaint.

Will I know what date or time FDNY is coming?

Due to the nature of PA inspections, you will not be notified in advance of FDNY's first annual inspection. However, after the second annual PA inspection you will know the approximate month during which FDNY will perform your annual PA inspection.

What if my establishment is not open when the FDNY Inspector arrives?

If your establishment is closed when FDNY arrives for your PA inspection, the inspector will return the following week. If the establishment is closed during the second visit, the inspector will leave a note instructing the owner to contact FDNY to schedule an inspection. If the owner does not call to schedule a new inspection time, the inspector will continue to attempt to gain access for the inspection. Please note that if your PA Permit is allowed to expire, you may receive a violation for "Operating without a Valid Permit."



Credit: Randy Barron

Can I request an inspection?

You may only request an annual PA inspection if the establishment was closed when the inspector arrived. If you call the FDNY Public Assembly Unit at (718) 999-2436 to schedule your annual PA inspection, FDNY will make every attempt to schedule your inspection at a convenient time.

What is FDNY looking for during the annual PA Inspection?

In addition to looking for general Fire Code compliance for fire alarms, range hoods, sprinklers and standpipe systems, the FDNY inspector will look at the PA space to ensure that the actual layout complies with the approved DOB plans. The following items must always be on site:

- 1) Set of approved plans and the PA Certificate of Operation from DOB
- 2) Emergency lighting and exit signs in working order
- 3) Maximum occupancy sign posted
- 4) Flame Proofing Affidavit – Affirmation that materials in PA space (*e.g.*, curtains, upholstery, carpet) were treated with flame proofing materials or tested to be flame proof, as confirmed by an FDNY Certificate of Fitness holder (individual certified by FDNY to perform such treatment or testing).

How will I know if the establishment passed the inspection?

The FDNY inspector will let the owner or owner's representative know on site if the establishment has passed or failed, pending an examiner's review.

The establishment passed the inspection. What happens next?

Within seven days of the inspection, FDNY will send a bill to the owner's mailing address. The fee for the annual inspection is calculated on a sliding scale based on occupancy - the more people that can occupy the establishment, the higher the fee. All re-inspections are billed at the rate of \$210 per hour. The length of the inspection will also vary by establishment size. You can mail in your payment (check or money order only), or you can pay online at www.nyc.gov/citypay within seven days of the inspection (you will need your FDNY account number) or in person at 9 MetroTech Center, Brooklyn by cash, check, money order or credit card.

The establishment failed the annual inspection by FDNY. What happens next?

If the establishment fails the inspection, the inspector will issue one of two types of violations:

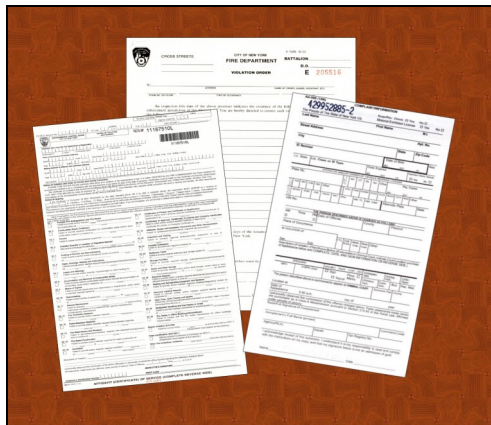
1) A Notice of Violation (NOV) is an Environmental Control Board (ECB) order issued for conditions that do not represent an imminent hazard (e.g., plans not on site). An NOV must be corrected within 35 days from the inspection date. An NOV will list violating conditions and an ECB court date, which will occur 15 days after the 35-day correction period ends.

If you receive an NOV, you will not need a re-inspection if, within 35 days you correct the condition(s) and submit proof of correction, such as affidavits or photographs, to the FDNY Enforcement Unit at 9 MetroTech Center, 1st Floor, Brooklyn (entrance on Flatbush Avenue). The correction affidavit form is included in the NOV and can be mailed or delivered in person before the end of the correction period. If you do not correct the violation within 35 days, you must attend your ECB court date. Please note that all affidavits are subject to audit by FDNY. Note also that this process is not available for repeat violations.

You may also contest the violation. For more information on how to contest an ECB violation, please visit www.nyc.gov/ecb.

Did You Know?***The Most Common Reasons Why FDNY Issues ECB Violations (NOVs):***

- Failure to post permits (e.g., PA, maximum occupancy sign, Certificate of Occupancy)
- Failure to produce flame proofing affidavit
- Valid Certificate of Fitness/Certificate of Qualification holder not on site (Only applicable for certain types of PA spaces such as banquet halls and cabarets)
- Missing or damaged lighting or exit signs



2) A Violation Order (VO) is an order relating to imminent safety hazards (*e.g.*, blocked egress). A VO can result in a criminal summons if an establishment does not comply within the correction period (24 hours or 30 days) listed on the order.

You do not have to schedule a re-inspection. The FDNY inspector will return after the correction period has passed to re-inspect the establishment and will determine if the conditions have been completely corrected, partially corrected (at least 75% done), or have not been corrected at all (conditions less than 75% complete are considered not corrected).

- If the violations are completely corrected, the inspector will dismiss the VO and the establishment will pass inspection.
- If the inspector determines that the violations are partially corrected, the applicant will have the original timeframe given (24 hours or 30 days) to finish the corrections before the FDNY inspector will return again. At that time, the violations must be completely corrected or the owner will receive a criminal summons.
- If the violations have not been corrected at all, the owner will receive a criminal summons.

If a violation is considered life-threatening, such as inadequate fire protection systems (*e.g.*, fire alarm, sprinkler system), or the establishment has falsified information on its application, the inspector may shut down the establishment by issuing a vacate order. Once a vacate order is issued, you should correct the perilous condition(s) that prompted the order and follow the procedures listed on the back of the pink copy of the vacate order.

Did You Know?

The Most Common Reasons Why FDNY Issues Violation Orders (VOs):

- Approved floor plans or PA not on site
- Plans not updated after major renovation
- Operating contrary to Certificate of Occupancy (C of O)
- Observed establishment name, owner name or use description does not match records
- Obstruction in travel path (path from PA space to fire-rated safe area, such as stairwell or outside)
- Egress blocked or locked
- Overcrowding (more people in space than allowed by PA)

What if I disagree with the results of my annual inspection?

If the owner believes that the violations were issued in error, a request for re-inspection can be made by contacting the Fire Prevention Unit at (718) 999-2436. An FDNY inspector will re-inspect the establishment and either dismiss or uphold the violation. Owners will be billed \$210 an hour for all re-inspections. If the violation is dismissed, the re-inspection fee will be dismissed as well.

4. Changes to Your Place of Assembly Space

Actions you must take as a result of changes to your PA space differ depending on whether you have a PA Certificate of Operation issued prior to the implementation of DOB's Buildings Information System (BIS) which varies by borough (from 1989 to 1991). You can identify which type of PA Certificate of Operation you have by looking at the job number. A pre-BIS job number is alphanumeric and sequentially numbered by calendar year (*e.g.*, NB 28/88, Alt 107/75). A BIS job number has nine digits.

A. Change of Ownership or Establishment Name

If the name of your establishment changes, or if the owner's mailing address changes, you must inform DOB and FDNY as soon as possible.

If the only change being made is the name of the establishment, owner, or lessee and your PA Certificate of Operation was issued post-BIS, you can submit the changes on the PA1 form by checking off "Change to Owner/Lessee/Name of Establishment" at the top of the form. The applicant does not need a PE/RA when submitting a PA1 for purposes of a name or address change.

If your PA Certificate of Operations was issued pre-BIS, you must complete and submit an OP45 Form (Affidavit for Place of Assembly) to the DOB Borough Office Construction unit instead of the PA1. No PE/RA seal is required.

B. New PA Certificate of Operation

When do I need a new PA Certificate of Operation?

For a post-BIS PA Certificate of Operation, a new PA Certificate of Operation is required for:

- A change to the zoning use group of the PA space;
- A change to the assembly occupancy group of the PA space.

For a pre-BIS PA Certificate of Operation, the following changes to your PA space will require a new PA Certificate of Operation:

- A change of to the zoning use group or Construction Codes assembly occupancy groups A1-A5 ;
- Any physical change requiring an alteration permit from the Department of Building;
- Any amendment made to the plan for seating and other moveable furnishings; and/or
- Any change is made to the name of the establishment.

How do I get a new PA Certificate of Operation?

Applications for new PA Certificates of Operation must be filed with the DOB borough office in the establishment borough.

C. Amended PA Certificate of Operation

When do I need an amended PA Certificate of Operation and how do I get one?

For a post-BIS PA Certificate of Operation, the following changes to an existing PA space require an amendment to your PA Certificate of Operation:

- Any physical change requiring an alteration permit from the Department of Buildings;
- Any amendment to the plan for seating and other moveable furnishings; and/or
- Any change made to the name of the establishment.

Pre-BIS PA Certificates of Operation must obtain a new PA Certificate of Operation when changes are made to the PA space.

How do I get an amended PA Certificate of Operation?

Applications for amended PA Certificates of Operation must be filed with the DOB borough office in the establishment borough.

5. Agency Contact Information

Department of Buildings

www.nyc.gov/buildings

Borough Office Construction Units:

Manhattan

280 Broadway, 3rd Fl.
New York, NY 10007
(212) 566-5232

Queens

120-55 Queens Blvd.
Kew Gardens, NY 11424
(718) 286-0610

Bronx

1932 Arthur Ave., 5th Fl.
Bronx, NY 10457
(718) 579-6905

Staten Island

10 Richmond Terrace,
Borough Hall, 2nd Fl.
Staten Island, NY 10301
(718) 816-2209

Brooklyn

210 Joralemon Street, 8th Fl.
Brooklyn, NY 11201
(718) 802-3685

Fire Department of New York

www.nyc.gov/fdny

Bureau of Fire Prevention

9 MetroTech Center, 1st Floor
Brooklyn, New York 11201
(718) 999-2436
lppa@fdny.nyc.gov

Enforcement Unit

9 MetroTech Center, 1st Floor (Entrance on Flatbush Avenue)
Brooklyn, New York 11201
(718) 999-1378

New York City Government Information

<http://www.nyc.gov/311>

3-1-1 (from within the City)
(212) NEW-YORK (from outside of the City)
(212) 639 -9675